UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,133	09/08/2003	Anshuman Thakur	42P16192	2314

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EXAMINER
CHUNG, PHUNG M

ART UNIT	PAPER NUMBER
2138	

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>30 January 2006</u>.

2a) ☒ This action is **FINAL.** 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-26* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

2.   Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Alexander, Jr. et al (2003/0088689).

As per claim 1, Alexander, Jr. et al disclose a method comprising:

Partitioning data into segments of data (pg. 3, paragraph 29);

Storing in memory a set of checksums of the segments of the data (pg. 2,

paragraph 26 and pg. 3, paragraph 29);

Selecting a portion of the data comprising at least one of a subset of the segments of the data and at least one part of at least one segment of the data (pg. 4, paragraph 39); and

Determining a checksum of the portion of the data, based upon at least one of a checksum of the subset of the segments of the data and a checksum of the at least one part of the at least one segment of the data, the checksum of the subset of the segments of the data being based, at least in part, upon respective checksums, read from the set of checksums stored in the memory, of segments of the data comprised in the subset of the segments of the data (pg. 4, paragraphs 38 and 39). Alexander, Jr. et al do not specifically disclose storing the set of checksums having a first subset corresponding to the segments of data and a second subset corresponding to the segments of data shifted by a predetermined amount. However, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to store the set of checksums having a first subset corresponding to the segments of data and a second subset corresponding to the segments of data shifted by a predetermined amount. This is because Alexander, Jr. et al (Fig. 4, paragraphs (0034)-(0038)) disclose a first subset corresponding to the segments of the data (402-block0 to 402-blockn) and a second subset comprises respective segments of data 400 corresponding to the segments of data shifted by a predetermined amount. Alexander, Jr. et al also disclose that the calculated checksum values are stored in memory for use in calculating the checksums to be included in outbound data packets (paragraph (0036)).

As per claims 2-3, Alexander, Jr. et al further disclose:

Determining, based at least in part upon the checksum of the portion of the data, a checksum of the packet;

The selecting of the portion of the data is based, at least in part, upon a size of a packet; and

The packet comprises the portion of the data and the checksum of the packet, wherein the size of the packet is selected based, at least in part, upon one or more flow control parameters (paragraphs 33 and 39).

As per claim 4, Alexander, Jr. et al further disclose:

The one or more flow control parameters are based, at least in part, upon one or more of the following: a level of network congestion, a maximum packet size, and a maximum data transfer amount (paragraph 39).

As per claim 5, Alexander, Jr. et al further disclose:

The checksum of the packet comprises a transmission control protocol (TCP) segment checksum; and

The one or more flow control parameters indicate, at least in part, status of a TCP connection (paragraphs 28 and 33).

As per claim 6, Alexander, Jr. et al further disclose each of the segments of the data has an identical respective size equal to N bytes;

The data has a size equal to M bytes; and

The set of checksums includes a number of checksum equal to twice the quotient of M divided by N (paragraph 34).

As per claim 7, Alexander, Jr. et al further disclose:

Storing the segments of the data in computer readable memory;

Determining the checksum of the at least one part of the at least one segment of

the data; and

Contemporaneously, at least in part, with the determining of the checksum of the

at least one part of the at least one segment of the data, at least one of:

Reading, at least in part, the at least one part...; and

Storing,..., the at least one part of the at least one segment of the data in another

computer readable memory (paragraphs 26 and 38-39).

As per claims 8-14, 15-21 and 22-26, these claims are rejected under similar

rationale as set forth in claims 1-7.

3.   Applicant's arguments filed one 1/30/06 have been fully considered but they are

not persuasive because: applicant argues that Alexander, Jr. et al do not disclose a set

of checksums having a first subset corresponding to segments of data and a second

subset corresponding to the segments of data shifted by a predetermined amount.

Examiner disagrees with applicant because Alexander, Jr. et al do not

specifically disclose storing the set of checksums having a first subset corresponding to

the segments of data and a second subset corresponding to the segments of data

shifted by a predetermined amount. However, it would have been obvious to a person

of ordinary skill in the art, at the time the invention was made, to store the set of

checksums having a first subset corresponding to the segments of data and a second

subset corresponding to the segments of data shifted by a predetermined amount. This

is because Alexander, Jr. et al (Fig. 4, paragraphs (0034)-(0038)) disclose a first subset

corresponding to the segments of the data (402-block0 to 402-blockn) and a second subset comprises respective segments of data 400 corresponding to the segments of data shifted by a predetermined amount. Alexander, Jr. et al also disclose that the calculated checksum values are stored in memory for use in calculating the checksums to be included in outbound data packets (paragraph (0036)).

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung My Chung whose telephone number is 571-272-3818. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Albert Decady can be reached on 571-272-3819. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Phung My Chung
Primary Patent Examiner
Art Unit 2138